

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALLAN PARMELEE,

Plaintiff,

v.

SANDRA CARTER, *et al*,

Defendants.

Case No. C05-5646 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon several appeals of Magistrate Judge Strombom's Orders.

Having considered the entirety of the records and file herein, the Court rules as follows:

This case has been referred to Magistrate Judge Strombom under 28 U.S.C. § 636. Under Fed. R. Civ. P. 72(a) the non-dispositive order of a magistrate judge to whom the matter has been referred for pretrial matters may be reviewed by the district court upon the objection of a party. The Court construes Plaintiff's "appeals" to be such an objection.

Plaintiff's first objection [Dkt. #73] is to Judge Strombom's Order Regarding Plaintiff's Motion to Compel Discovery from DOC Defendants [Dkt. #59]. The objection is not well-taken. The Magistrate Judge properly denied plaintiff's motion to compel because the requests were over-broad, burdensome and not reasonably calculated to lead to admissible evidence and because Plaintiff failed to confer in good faith regarding his discovery dispute as is required by the Federal Rules of Civil Procedure and this Court's Local

1 Rules.

2 Plaintiff's next objection [Dkt. #76] is to Judge Strombom's Order Denying Plaintiff's Motion to
3 Enlarge Number of Interrogatories Allowed [Dkt. #60]. Again, the objection is not well-taken. The
4 Magistrate Judge correctly determined that plaintiff should be limited to the twenty-five interrogatories allowed
5 under the rule because he was attempting to abuse the discovery process.

6 Plaintiff's next objection [Dkt. #77] is to Judge Strombom's Order Denying Plaintiff's Motion for
7 Reconsideration Regarding Order Denying Issuance of Subpoenas [Dkt. #62]. This objection will also be
8 denied because the defendants have all waived service and subpoenas are therefore unnecessary.

9 Plaintiff's next objection [Dkt. #97] is to Judge Strombom's Order Remanding Claims Against Private
10 Parties to State Court [Dkt. #64]. Defendants Versuslaw and Joe Acton also object [Dkt. #115] to this Order
11 and request that this Court retain jurisdiction over the claims against them. However, they differ from the
12 plaintiff's position in that they request that this Court also dismiss plaintiff's claims rather than remand them
13 to state court. Both plaintiff's and defendants' objections are not well-taken. Judge Strombom correctly
14 determined that there was no federal question present in plaintiff's claims against Versuslaw and Joe Acton
15 and properly declined to exercise supplemental jurisdiction over claims based solely on state law. Because the
16 Magistrate Judge did not dismiss the claims but merely remanded them to state court, she acted within her
17 jurisdiction under 28 U.S.C. § 636.

18 Plaintiff's objection [Dkt #98] to Judge Strombom's Order Denying Plaintiff's Motion to File Over-
19 length Brief is denied. Plaintiff's next two motions [Dkt. #s 105 and 109] seek to enlarge the time to file
20 objections to Judge Strombom's Orders. Plaintiff's rather abusive system is to first seek reconsideration from
21 Judge Strombom regarding her Order and then when reconsideration is denied, "appeal" to this Court.
22 Apparently, plaintiff forgot to move to reconsider two of Judge Strombom's very reasonable Orders and now
23 he is beyond the time allowed to object so he must ask this Court for more time to file a frivolous objection.
24 Plaintiff's request will be denied. It is therefore

25 **ORDERED** that Plaintiff's Objections [Dkt. #s 73, 76, 77, 97 and 98] are **DENIED**. Furthermore,
26 Defendants Versulaw and Joe Acton's objection [Dkt. #115] is also **DENIED**, and Versuslaw and Acton's
27 Motion to Dismiss [Dkt. #116] is **STRICKEN**. Plaintiff's Motion to Strike [Dkt. #118] and Motion to Stay
28 [Dkt. #119] are denied as **MOOT**. Plaintiff's Motions to Enlarge Time [Dkt. #s 105 and 109] are **DENIED**.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
2 pro se.

3 Dated this 17th day of July, 2006.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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